

Mr. Raul I. Isaac # 228375

Name and Prisoner/Booking Number

ASPC-LEWIS / STINER Unit

Place of Confinement

P.O. Box - 3100

Mailing Address

BUCKEYE, ARIZONA 85326

City, State, Zip Code



FILED



LODGED

Jul 13 2018

CLERK U.S. DISTRICT COURT  
DISTRICT OF ARIZONA

(Failure to notify the Court of your change of address may result in dismissal of this action.)

In Propria Persona,

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONARaul I. Isaac, )  
(Full Name of Plaintiff) Plaintiff, )

vs. )

CASE NO. CV-18-2213-PHX-DGC-BSB

(To be supplied by the Clerk)

(1) CORIZON Health Service Inc. )  
(Full Name of Defendant)

(2) PROVIDER "ANDREAS THUDE" )

(3) AFHA "D. LEBAR" )

(4) F.H.A. "K. ROGERS" )

Defendant(s). )

☐ Check if there are additional Defendants and attach page 1-A listing them. )CIVIL RIGHTS COMPLAINT  
BY A PRISONER☒ Original Complaint☐ First Amended Complaint☐ Second Amended Complaint

## A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).☐ Other: \_\_\_\_\_2. Institution/city where violation occurred: ASPC-LEWIS / STINER Unit

"DEC. A"  
"Defendant's Supplement"

- 5). Practitioner "Don D. Mendoza"
- 6). Registered Nurse "A. Lizarraga"
- 7). Nurse Practitioner "Lance Burrell".
- 8). Nurse Provider "Ende"
- 9). Nurse Provider "A. Thude".

**B. DEFENDANTS**

1. Name of first Defendant: CORIZON HEALTH SERVICE INC.. The first Defendant is employed as:  
HEALTH CARE PROVIDER at ASPC-LEWIS/SENIER UNIT.  
(Position and Title) (Institution)
2. Name of second Defendant: ANDREAS THUDE. The second Defendant is employed as:  
CORIZON HEALTH CARE PROVIDER at CORIZON HEALTH SERVICE INC..  
(Position and Title) (Institution)
3. Name of third Defendant: D. Labare. The third Defendant is employed as:  
A.F.N.A. at CORIZON HEALTH SERVICE INC..  
(Position and Title) (Institution)
4. Name of fourth Defendant: K. ROGERS. The fourth Defendant is employed as:  
FACILITY HEALTH ADMINISTRATOR at CORIZON BUCKEYE LEWIS PRISON.  
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

**C. PREVIOUS LAWSUITS**

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☒ No
2. If yes, how many lawsuits have you filed? N/A. Describe the previous lawsuits:
  - a. First prior lawsuit:
    1. Parties: N/A v. N/A
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) N/A
  - b. Second prior lawsuit:
    1. Parties: N/A v. N/A
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) N/A
  - c. Third prior lawsuit:
    1. Parties: N/A v. N/A
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) N/A

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

## Sec. B, "Defendants Supplement"

- 5). Name: "Don D. Mendoza"  
Employed As: Nurse Practitioner for Corizon at Lewis Prison.  
Employment Place: ASPC-Lewis / Stiner Unit.
- 6). Name: "A. Lizarrosa"  
Employed As: Registered Nurse  
Employment Place: Corizon at ~~Florence~~ Prison Complex.
- 7). Name: Lance Burrell  
Employed As: Nurse Practitioner  
Employed At: Corizon A.S.P.C. Winslow
- 8). Name: Nurse Provider "Enke".  
Employed As: Nurse Provider.  
Employed At: Corizon A.S.P.C. Lewis Complex.

9).

(2-[A1])

## D. CAUSE OF ACTION

## COUNT I

Plaintiff's Eighth Amendment

1. State the constitutional or other federal civil right that was violated: U.S. Constitutional Right against "Cruel and Unusual Punishment".

2. Count I. Identify the issue involved. Check only one. State additional issues in separate counts.

- ☐ Basic necessities      ☐ Mail      ☐ Access to the court      ☒ Medical care  
☐ Disciplinary proceedings      ☐ Property      ☐ Exercise of religion      ☐ Retaliation  
☐ Excessive force by an officer      ☐ Threat to safety      ☐ Other: \_\_\_\_\_

3. Supporting Facts. State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

I

Inmate Isaac is a inmate serving a term of imprisonment in the Arizona Department of Correction in the "STINER UNIT".

II

That I am suing each of the defendants in their individual capacity under color of state law where applicable.

III

That I am suing Corizon Health Service Inc. "a Private Non-Public" Entity who contracted to the State of Arizona to provide health care to inmates of the Arizona Dept. of Correction.

IV

That Corizon Health Care Inc. took over health care providing for Arizona State Prison inmates around April, 2013.

V

Since that time, health care has been delayed for this inmate and other inmates of the Arizona Dept. of Correction in favor of shaving operation cost.

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

Plaintiff still suffers from NERVE damage along with "the New Addition" Back pain and Back damage suffered from the rogue bogus Back Surgery defendant's performed. that NEVER addressed the NERVE damage plaintiff suffered from.

5. Administrative Remedies:

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No  
 b. Did you submit a request for administrative relief on Count I? ☒ Yes ☐ No  
 c. Did you appeal your request for relief on Count I to the highest level? ☒ Yes ☐ No  
 d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. \_\_\_\_\_

## VII

That plaintiff Isaac first noticed signs of NERVE damage in mid-2013 while incarcerated in the A.S.P.C. Winslow Prison Complex.

## VIII

That this plaintiff was diagnosed with having a Sciatic NERVE which ran down the left side of my body and leg.

## IX

Corizon Winslow and their "John Doe" Provider prescribed Pills that were suppose to address my NERVE damage but failed to do so.

## X

Corizon Winslow "John Doe" Provider then elected to send me to Therapy which also failed to address or correct the problem.

## XI

That the "John Doe" Provider's Name at the Corizon Winslow Facility for A.D.D.C. is "Nurse Practitioner" Lance Burrell.

## XII

For about 6-months I was sent to Specialist "Dr. David Hales" who gave me "direct injections" of medication that we suppose to address the NERVE problems I suffered but also failed to cure the problem.

(3 - [A])



## XII

THESE INJECTIONS WERE terminated by Dr. "Donald Hales" who had great difficulty in injecting the medication WHERE it NEEDED to be injected.

## XIII

That Dr. "Donald Hales" then RECOMMENDED SURGERY to RELIEVE the PRESSURE he said that WAS pushing the NERVE in my right leg causing the NUMBNESS and partial paralysis and pain that continuously COURSED down my left side.

## XIV

That "Dr. Donald Hales" (defendant) then described to me "IN PERSON" a SURGERY that WAS to be ON the left side of my body REMOVING a "PIECE of thigh bone" to allow the NERVE ON my left side to NO-LONGER BE PRESSED against by the bone thus ALLEVIATING the PRESSURE CAUSING the NERVE problems.

## XV

That NEVERTHELESS, WHILE ON two (2) "Pre-Op" visits to Flagstaff Medical Center at 1200 North BEAVER St., this plaintiff had to CORRECT the Medical Center NURSE ON information in their Computer CONCERNING the SURGERY proposed for my NERVE problem by Dr. Hales (defendant).

(3-[B])

XVI

That Dr. Hales assured me that I'd be 90% to 100% whole again following the surgery.

XVII

That Dr. Hales assured me that once he removed the piece of bone and drained the area inside the bone that "that" would relieve the area where the nerve was being squeezed.

XVIII

My first "Pre-Op" appointment with Dr. Hales was around June, 2016 and that was when I first heard from Dr. Hales Nurse Assistant that their Computer indicated that I was having some kind of "Spinal Surgery" within my Spinal Cord.

XIX

The Nurse Assistant "exact words" were that "Dr. Hales would be cutting out Spinal Bone to free up the Nerves in my "Right leg".

XX

At that point I corrected Dr. Hales Nurse Assistant telling her that the Nerve Problem was in "my left leg, and not my right leg".

XXI

Dr. Hales Nurse Assistant asked me "was I sure", and when I assured her that I was, she said that "she would make the correction in the Computer."  
(3-[C])



## XXII

That this plaintiff contends that the Nurse Assistant "NEVER did" make the correction in the Computer.

## XXIII

On July, 18th, 2016, A.D.D.C. Corizon had this inmate plaintiff transported and admitted into the Flagstaff Medical Center in Flagstaff Arizona for the purpose of correcting the NERVE problems in my left leg.

## XXIV

I was told by Dr. Hales that they WERE going to perform a "laminectomy" on my LOWER Back to correct my NERVE problem.

## XXV

When I awoke following my surgery, I slowly began to notice that I now had a tingling "not only still" in my left leg, but also now in my right leg.

## XXVI

I also noticed that I now had Numbness throughout portions of both feet.

## XXVII

The day following the surgery, Corizon Health Care Inc. had the Flagstaff Medical Center to discharge and release this plaintiff to A.D.D.C. again.  
(3 - [D])

XXVII

That Corizon Health Care had the Flagstaff Medical Center to release this plaintiff to A.D.O.C. only hours following surgery on his back to be transported without no pain management medication while plaintiff was still in pain.

XXVIII

That A.D.O.C. then placed plaintiff in a Van along with three (3) other inmate and transport us not to the Winslow Prison Complex only 100 or so minutes from the Flagstaff Medical Center.

XXIX

That rather, the A.D.O.C. had the transport van to transport this plaintiff and the others past the Winslow Prison Complex all the way to the Florence Central Unit in Florence Arizona approximate Six (6) hours (360-minutes) away without any sort of pain management medicine.

XXX

That plaintiff suffered extremely all the way from Flagstaff to Florence Arizona from pain to his back where surgery occurred, and from pain to his left leg, pain from numbness in both "right" and left legs, from tingling in both feet which the sensation eventually exudes "a painful" sensation rather than a tingle.  
(3-[E])

XXXI

That plaintiff continuously complained to the transport Officer's during the FIVE (5) to SIX (6) hour drive from Flagstaff to Florence but was ignored.

XXXII

After I arrived at the Florence Central Unit Medical Housing Unit, I didn't see Medical until the following day.

XXXIII

That Corizon "Florence Central Unit" denied me the Morphine pain management pills I was prescribed at the Flagstaff Medical Center to take for pain.

XXXIV

That following my July, 18th, 2016 surgery at the Flagstaff Medical Center, the morning I was being bundled and prepared for transporting to the Florence Central Unit "Medical Hub" to recover, Dr. Hales came to me and for the first time EVER "I heard" that now I supposedly have a "Lumber Condition".

XXXV

To date, NONE of the Doctors has EVER explained to me "What went wrong" or occurred during that July 2016 surgery at Flagstaff Medical Center.

( 3 - [ F ] )

XXXVI

That by month three (3) at the Florence Central Unit "Medical Hub" my condition had not improved at all and I informed the Corizon Florence Central Unit "Medical Provider" who then contacted Dr. Nales at the Flagstaff Medical Center.

XXXVII

That the Florence Central Unit Corizon Provider informed Dr. Nales that I may need to have a NEW CURRENT M.R.I. performed to determine the problem with my back and the fact that "no improvement" is evident.

XXXVIII

That Dr. Nales at the Flagstaff Medical told the Corizon Provider at the Florence Central Unit that to justify another M.R.I., that I'd have to be scheduled for surgery where he'd insert "Bolts and Screws into my back."

XXXIX

That during that 2016 Summer, Dr. Stewart at the Florence Central Unit Medical "Corizon" Hub scheduled me for a "M.R.I. Exam Scan" anyways because I was suffering and in so much pain.

XL

That weeks later, Dr. Stewart at the Florence  
(3-[G])



Central Unit "Corizon" Medical Hub" called me into the Office and explained to me that the Surgery performed on me "was not" the surgery I was originally scheduled to have performed on me.

### XLI

That Dr. Stewart further informed me that the surgery performed on me "did not even" address the "Sciatic Nerve Damage" on my body's left side that the surgery was originally intended to address and treat.

### XLII

Dr. Stewart, after consulting with me about the New M.R.I. Results, then took the M.R.I. Results and presented them to his Supervisor and upon returning, informed me that I'd have to undergo another <sup>surgery</sup> to correct the original and subsequent problems caused by the botched surgery.

### XLIII

About Six (6) months later while I remained suffering and aching, Corizon Health Care continued to fight Dr. Stewart on his latest diagnosis.

### XLIV

That finally, defendants Corizon Health Care and defendant A.F.H.A. "D. Labare" and F.H.A. "R. Rogers" located and scheduled this plaintiff to

(3 - [H])



BE EXAMINED by an "alleged Specialist" who would report "for Corizon", that I no longer NEEDED "CORRECTIVE SURGERY" for my "Sciatic NERVE damage" that was blotched at the first 2016 Flagstaff SURGERY.

#### XLV

That the NEW "alleged Specialist" did falsely diagnose "for, and at Corizon's directive, that I only suffered from "a slight" sciatic NERVE problem that required NO SURGERY.

#### XLVI

That the A.F.H.A. and F.H.A.'s chosen "claimed Specialist" reported a false diagnosis that was contrary to, and "flew in the face" of all previous M.R.I. scans and diagnosis's that required CORRECTIVE SURGERY.

#### XLVII

That Corizon's chosen "Specialist" by A.F.H.A. "Labar", and F.H.A. "K. Rogers" (defendants) "falsified the Medical Diagnosis only to facilitate defendant's Corizon Health Care in "curbing" Health Care Cost for the Corporation while this plaintiff continues "to date", to suffer in violation of the 8th. Amendment U.S. Constitutional prohibition against "CRUEL and UNUSUAL punishment".

(3-[I])

XLVIII

Within months following, the Florence Central Unit defendants "Corizon Health Care" and it's A.F.H.A. "Labae" and F.H.A. had me shipped off to the Winslow "Kaibab Unit" where I was originally housed when first diagnose with the Sciatic NERVE Condition for the "sole purpose" of interrupting the progress and advancement of my sought treatment of my "pain and suffering" brought on by the Sciatic NERVE condition.

XLIX

That defendant's Corizon Health Care "Florence Central Unit and their defendant(s) A.F.H.A. and F.H.A. deliberately had this plaintiff RElocated "knowing" that I would have to RE-initiate all Medical N.N.R. procedures towards SEEKING Medical Relief ONCE I REACHED A NEW or different Prison Complex.

L

That within Two (2) days of arriving at the Winslow "Kaibab Unit", the Kaibab Corizon Health Administrators there determined that they WERE NOT equipped to treat my Sciatic NERVE condition since they WERE NOT A designated Medical Complex.

( 3 - [ J ] )

L.I

That the Winslow Corizon Health "F.N.A" had this plaintiff shipped off immediately to the A.S.P.C. Lewis Stiner Unit in Buckeye Arizona Which is reported to be a Medical Prison Complex.

L.II

That though while at the Florence Central Unit, Corizon Medical Hub for almost a year, and the Winslow Kaibab Unit, "both" Complex Prison Units, "honored" my Flagstaff Medical Center" Prescribed Tylenol-3 "Pain Management Medication given to me at both Units.

L.III

That around February, 2016 after arriving at the Stiner Unit Lewis Complex, plaintiff went to visit the Stiner Unit "defendant's Corizon Health Care Medical Unit, and Corizon Health Care Provider "Ende" cancelled "All" of this plaintiff's Medical Waivers.

L.IV

That since that time, plaintiff has been denied treatment for his Sciatic Nerve Condition by defendant Nurse Practitioner "Ende".

L.V

That EVERY Medical H.N.R. Request that this plaintiff has submitted that was REVIEWED and  
(3-[K])

SEEN by defendant Provider "Ende" has BEEN "down-played" and plaintiff RECEIVED NO adequate treatment for the ailment described in the H.N.R. Medical Treatment Request.

#### LVII

That on/about February, 2nd, 2017, this plaintiff a "Health Needs Request" (H.N.R.) complaining about the lack of "Post-Op" Medical Care I WAS RECEIVING following my "blotched" Surgery on my Back that failed to REMEDY the Sciatic NERVE problem I suffered from.

#### LVIII

That defendant "A. Lizaraga" who is the Central Unit Florence "Units Nursing Supervisor" DENIED ME any additional treatment for my Sciatic NERVE Condition "in writing" (Inmate Letter Response) in spite of the pain I still (to date) WAS/is suffering.

#### LVIII

That plaintiff WAS informed "in writing" by the R.N. Central Unit Nursing Supervisor defendant "A. Lizaraga" that her subordinates the Provider or Specialist "both" AGREED that NO additional treatment WAS warranted.

#### LVIX

That when plaintiff arrived at the A.S.P.C. (3-L)



Lewis Stiner Unit in early 2017, after being "exiled" from the Florence Central Unit "Kasson Health Services", as well as the Winslow Kaibab Prison Unit, this plaintiff again began submitting Medical Health Unit Request (M.H.U.R.) Forms "complaining" about the "constant pain and numbness" he continues to suffer (to date).

LIX

That on April, 17th, 2017, this plaintiff received from defendant "Facility Health Administrator K. Rogers" a "Corizon Grievance Response" denying me pain management medication in violation of the 8th Amendment prohibition against "cruel and unusual punishment".

LXI

Plaintiff filed a subsequent July, 10th, 2017 Inmate Grievance against Corizon Health Care and its A.S.P.C. Lewis Stiner Unit "subordinate Medical Staff" where plaintiff complained about his "backs" D.D.D. L-4/L-5 vertebrae with a severe Foraminal Disease and his left Adrenal Adenoma condition and Corizon's resistance towards treating his condition.

LXII

That on August, 28th, 2017, defendant "Nurse Practitioner "A. Thude" sent plaintiff a "Health (3-[M])"



SERVICE COMMUNIQUE" stating that he has a "2-cm. Mass" (Adenoma Adrenal) and that they won't treat it but will check it 6-months down the road to monitor its growth.

### LXIII

Plaintiff contends that "the Mass is always"; CONTINUES to REST against a NERVE and CAUSE'S EXTREME PAIN and NUMBNESS to the left side of his body.

### LXIV

That plaintiff contends that like the OTHER CORIZON DEFENDANT(S), that defendant(S) NURSE PRACTITIONER "A. Thude" and the OTHER CORIZON STAFF MEMBER'S CONTINUE to DENY ME medical treatment for my EXISTING NERVE damage condition as WELL as the INJURY'S this plaintiff has suffered from the ROGUE SURGERY performed by defendant Dr. Donald Hales at the Flagstaff Medical Center.

### LXV

That defendant "Dr. Donald Hales" at all times that he treated this plaintiff as well as when he performed surgery on this plaintiff's back, was contracted as an EMPLOYEE of the defendant "CORIZON HEALTH CARE INC.

### LXVI

That the defendants (All) and their actions / in-actions fail to comply with the provisions as agreed to in the Medical Settlement of the Federal District Court 42-U.S.C.A. § 1983 Civil Rights Complaint brought against A.D.O.C. Director Charles Ryan in the "Parson Vs. Ryan Civil Action.

### LXVII

That the defendant(s) (All) are the causation of the pain and suffering that this plaintiff has endured over the past almost Two (2) year because of their REPEATED denial of medical care to this plaintiff.

### LXVIII

That the defendant's (All) have been "deliberately indifferent" to this plaintiff's clear medical needs over the past almost 2-years resulting in SEVERE and at times "crippling pain to this plaintiff.

**E. REQUEST FOR RELIEF**

State the relief you are seeking:

- 1). Compensatory Damages in the Amount of Five Hundred  
Thousand (\$500,000.00) Dollars.
- 2). Punitive Damages in the Amount of Two Hundred and Fifty  
Thousand (\$250,000.00) Dollars.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 03-15-2018  
DATE

Raoul I. Isaac  
SIGNATURE OF PLAINTIFF  
(Raoul I. Isaac, "plaintiff")

James R. Hunter (Inmate)  
(Name and title of paralegal, legal assistant, or  
other person who helped prepare this complaint)

\_\_\_\_\_  
(Signature of attorney, if any)

\_\_\_\_\_  
(Attorney's address & telephone number)

**ADDITIONAL PAGES**

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.